

REMARKS

Applicants respectfully request reconsideration of this application, and reconsideration of the Office Action of January 13, 2005. Upon entry of this Amendment, claims 14, 16-18, 25-29, 33, and 35-38 will remain pending in this application. The changes to the claims are supported by the specification and original claims. Moreover, Applicants respectfully request the Examiner contact Applicants' undersigned representative should the Examiner require minor revisions to the claims including the new method claims. No new matter is incorporated by this Amendment.

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The rejection of claims 25 and 37 under 35 U.S.C. § 112, second paragraph, as indefinite was maintained.

In response, claims 25 has been amended to recite "the gene which encodes the Zwa1 protein " as suggested by the Examiner. Moreover, the preamble of the claims have been amended to recite that the one or more genes are from *Corynebacterium glutamicum*. Hence, the rejection is overcome and its withdrawal is respectfully requested.

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In addition, the rejection of claims 28 and 29 under 35 U.S.C. §112, first paragraph, as containing subject matter that is purportedly not enabled by the specification. The Office Action asserts that the specification fails to fully comply with the requirements for deposited microorganisms.

In response, Applicants assert that all restriction on the availability to the public of DSM 14375 and DSM 13455 will be irrevocably removed upon the granting of a patent. The above remarks overcome this rejection. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

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Claim 21 was objected to under 37 CFR § 1.75(c) as being of improper dependent form. Claim 21 has been canceled by this Amendment thereby rendering this rejection moot.

Claim 28 was also objected to because of an informality. In response, claim 28 has been amended as suggested by the Examiner. Hence, withdrawal of this objection is requested.

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Claims 14, 16-18, 21, 25-28, 33, and 35-38 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite.

With respect to paragraphs 12, 13, 14, and 15, the claims have been amended as suggested by the Examiner.

With respect to paragraph 16, claims 25 and 37 has been amended to recite “the genes which encode acetohydroxy acid synthase.”

Moreover, with respect to paragraph 17, the preamble of claims 26 and 38 have been amended to recite “wherein in the bacteria being fermented one or more genes are eliminated.”

In view of the above remarks, Applicants submit the rejection is overcome and its withdrawal is respectfully requested.

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Claims 25 and 37 were rejected under 35 U.S.C. §112 , first paragraph, for not being fully enabled by the specification.

In response, claims 25 and 37 have been amended to recite “overexpression is achieved by increasing the copy number of each of said one or more genes or by operably linking each of said one or more genes to a promoter.” In addition, claims 14 and 18

have also been amended as suggested by the Examiner. Hence, this rejection is also overcome and its withdrawal is respectfully requested.

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Applicants respectfully submit that this Amendment and the above remarks obviate the outstanding objections and rejections in this case, thereby placing the application in condition for allowance. Allowance of this application is earnestly solicited.

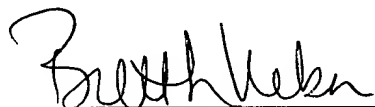
If any fees under 37 C.F.R. §§1.16 or 1.17 are due in connection with this filing, please charge the fees to Deposit Account No. 02-4300; Order No. 032301.202.

If an extension of time under 37 C.F.R. §1.136 is necessary that is not accounted for in the papers filed herewith, such an extension is requested. The extension fee should be charged to Deposit Account No. 02-4300; Order No. 032301.202.

Respectfully submitted,

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